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Attorneys for
Defendants CHE GARIBALDI dba
TAQUERIA GARIBALDI; EDUARDO
HERNANDEZ; HECTOR MANUAL MARTINEZ
GALINDO; and ALEJANDRO RODRIGUEZ

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARTIN J. WALSH, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

CHE GARIBALDI dba TAQUERIA
GARIBALDI, a California corporation;
EDUARDO HERNANDEZ, an individual;
HECTOR MANUAL MARTINEZ GALINDO,
an individual; and ALEJANDRO
RODRIGUEZ, an individual,

Defendants.

Case No: 22:cv-00756-WBS-KJN

**DECLARATION OF ALEJANDRO
HERNANDEZ IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFF'S APPLICATION FOR
TEMPORARY RESTRAINING ORDER**

Date: July 7, 2022

Time: 10:00 a.m.

Location:

**Courtroom 5, 14th Floor
Robert T. Matsui Courthouse
501 I Street
Sacramento, CA 95814**

Complaint Filed: May 4, 2022

Trial Date: None Set

DECLARATION OF ALEJANDRO HERNANDEZ

I, Alejandro Hernandez, declare as follows:

1. I am an individual and a Defendant in the above-entitled action. I make this declaration in support of Defendant's *Opposition to Plaintiff's Application for Temporary Restraining Order*. I have personal knowledge of the facts set forth herein, and if called upon to testify thereto, I could and would competently do so under oath.

2. I am a manager of Che Garibaldi (the "Company"). As manager, I take and prepare food orders, prepare employee schedules, and assist with hiring and terminating Company employees.

3. I have reviewed Plaintiff's Application for Temporary Restraining Order. The DOL mistakenly refers to me as "Alejandro Rodriguez." However, my actual name is Alejandro Hernandez.

4. On or about May 2021, the United States Department of Labor ("DOL") began an investigation into the wage and hour practices of the Company. The DOL then filed an action against the Company in the United States District Court for the Eastern District of California on May 5, 2022, alleging unlawful wage and hour practices and interference with the DOL's investigation.

5. On May 11, 2022, my attorney, Alden Parker, forwarded me a letter he received from Jennifer L. Sta. Ana, on behalf of the DOL. The letter accused the Company and me of making termination and immigration threats and discouraging employees from communicating with the DOL.

6. As manager, I work directly with management and Company employees. At no point during the DOL's investigation did I or anyone else discourage employees from cooperating with the DOL's investigation. Specifically, nobody at the Company, including myself, ever threatened to terminate employees for communicating or cooperating with the DOL. Nor did anyone at the Company, including myself, make immigration threats to any employee who cooperated with, or communicated with, the DOL.

7. Furthermore, since the DOL began its investigation in May 2021, the Company has not terminated a single employee. Nor has the Company ever called immigration authorities on any of its employees.

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I declare under penalty of perjury under the laws of the United States of America that the going is true and correct, and that this declaration is executed on July 6, 2022 at Sacramento, ifornia.



A handwritten signature in black ink, appearing to read 'Alejandro H.', is written over a horizontal line. Below the line, the name 'Alejandro Hernandez' is printed in a standard black font.

Alejandro Hernandez